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In re Application of :
STREET, Gary Nathan : DECISION
Application No.: 10/583,190 :
PCT No.: PCT/GB04/04223 : ON PETITION UNDER
Int. Filing Date: 05 October 2004 :
Priority Date: 13 October 2003 : 37 CFR 1.137(b)
Docket No.: None :
For: MULTIFUNCTIONAL FURNITURE :

This is a decision on applicants' "Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the above-captioned application on 15 June 2006.

BACKGROUND

On 05 October 2004, applicants filed an international application number PCT/GB04/04223, claiming a priority date of 13 October 2003. A copy of the international application was transmitted to the Office by the International Bureau on 06 May 2005. The thirty month period for entering the national stage in the United States expired at midnight on 13 April 2006.

On 15 June 2006, applicants filed a petition to revive and a declaration.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) the required reply, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). Pursuant to 37 CFR 1.137(b)(3), additional information may be required where there is a question whether the delay was unintentional.

Items (1) and (4) have been satisfied. Applicant has made the required statement of unintentional delay. A terminal disclaimer is not required as the application was filed on or after 08 June 1995.

Item (2) has not been satisfied. The basic national fee has not been paid. Applicant indicates that a national phase application and fee payment were enclosed with the submission, but only the petition, declaration and unintentional delay statement were located.

Item (3) has not been satisfied. The petition fee has not been paid.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

The application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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